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Guidelines for Producing Superfund Documents

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OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: TRANSMITTAL OF FINAL DIRECTIVE 9200.4-1: "GUIDELINES FOR PRODUCING SUPERFUND DOCUMENTS"

FROM: Henry L. Longest, II, Director
Office of Emergency and Remedial Response

TO: Addressees

Attached is the final directive entitled, "Guidelines for Producing Superfund Documents," one of the products resulting from the guidance improvement survey that my Policy Analysis Staff (PAS) conducted last spring.

As a result of that survey, PAS developed recommendations and designed an implementation plan under which five products are to be developed, including this one. The guidelines are intended to assist writers of guidance to produce documents that are readable, concise, well-referenced and to the point.

The remaining products include an expanded guidance directory, or catalog, built on the OSWER Directives descriptive data base, a field manual containing consolidated guidance for use by Removal Program field staffs, a plan for managing the reauthorization guidance, and an annual plan for guidance development in OERR.

Taken together, these products should assist Regional, State, and contract personnel in using and benefiting from the guidance being developed for program implementation.

We appreciate your participation in the survey, and your assistance in reviewing this guideline and offering suggestions for its increased usability. If you have further suggestions or comments relative to any portion of this project, please feel free to contact Arthur Weissman, Acting Chief, Policy Analysis Staff, at 202-382-2182.

Attachment.

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GUIDELINES FOR PRODUCING SUPERFUND DOCUMENTS

I. ISSUE STATEMENT: The purpose of these guidelines is to provide writers of Superfund documents with assistance in writing guidance documents that are more usable and accessible. Guidance documents which are well-written can be expected to result in greater program effectiveness.

II. EXECUTIVE SUMMARY

These guidelines address the need to improve Superfund guidance documents for the benefit of users. They are designed to assist writers of guidance to produce documents that are readable, concise, well-referenced, and to the point.

Quality in guidance is necessary because a significant number of guidance users are decentralized, receive quantities of information demanding their attention, and engage in a variety of tasks which require immediate access to information.

This document also addresses issues of availability, cross-referencing, indexing, and follow-up contacts. Writing techniques are suggested that can result in streamlined documents written in clear English, and that provide an appropriate level of detail. Formatting suggestions are made to facilitate condensation for use in field manuals or electronic indexing or filing.

III. INTRODUCTION AND BACKGROUND

Reauthorized Superfund will generate a considerable volume of additional guidance. Many Superfund guidance users are decentralized in Regional, State, or field offices and must address complex issues which require immediate answers under field conditions. They need documents organized for easy, quick access with emphasis on readability and conciseness. The reader should be able to ascertain where additional written information can be found, and which individuals within the Agency can provide additional information.

These problems can in part be addressed by the way in which the guidance is written. These guidelines suggest certain techniques which can assist the writer in obtaining the desired result. They also discuss cross-referencing, instructions for entry in the OSWER Directives System, and contacts for securing additional information. The end result should be to assist the writer in preparing a more usable document.

A. Purpose of Guidance

Superfund guidance is primarily intended to help users implement the program effectively and consistently. Individual documents may be designed to serve one or more of the following purposes:

°To provide information and direction regarding procedures, policies, and technical developments which assist program personnel in conducting daily business uniformly and consistently throughout the country. This establishes a pattern for solving specific types of problems.

°In lieu of regulation. Where regulations are silent, and formal policy documents are inappropriate, guidance documents can provide general direction to assist the user in solving particular types of problems.

°As a response to requests for assistance from persons implementing the program.

In Superfund, the actual writing of guidance usually occurs in Headquarters program offices, developed by workgroups which represent a cross-section of the users. However, it can originate from top-down or bottom-up, depending upon who perceives the need for the guidance and who initiates the process. Much of the Superfund Guidance has been developed through a bottom-up procedure, with significant contributions coming from Regions, States, and other user groups.

Guidance should be used for the same variety of reasons that it is written: to assure the consistent, effective implementation of the program. While guidance is intended to be flexible, e.g., to be applied to a situation consistent with best professional judgement, it can also be used to strengthen the manager's position in handling unfamiliar situations.

B. Types of Guidance

Currently, four types of non-regulatory Superfund documents are produced and generically referred to as "guidance":

° Guidance Documents
° Procedural Documents
° Technical Documents
° Manuals

Each serves a different function, as discussed below. Individual documents may stand alone or make reference to others; taken together, they form a body of information which establishes pattern and practice as the program matures.

° Guidance Documents explain what can be done to fulfill the requirements of a regulation or policy.

Generally, they cover a subject broadly and even comprehensively, but

should not spell out specific steps of an approach. Instead, they explain ideas which might be considered rather than how a required analysis or test might be conducted; or they may describe an analytic process, but do not discuss the mechanics of carrying out the process.

EXAMPLE: Guidance on Remedial Investigations and Feasibility Studies Under CERCLA; Relationship of the Removal and Remedial Program Under the Revised NCP

° Procedural Documents describe specifically how to conduct an analysis or activity; they provide a sufficient level of detail to complete an action without need for additional guidelines. They often provide a step-by-step procedure for conducting an action, including how to fill out forms where appropriate. They may also deal with the concrete mechanics or methods of an operation.

EXAMPLE: ERCS Contracts Users' Manual; Quality Assurance/Field Operations Methods Manual

° Technical Documents provide scientific or engineering information relevant to program activities. They act as reference documents for use in complying with requirements, but do not explicitly relate the technical information to requirements. They are often products of scientific research or development conducted for program support.

EXAMPLE: Remedial Action at Waste Disposal Sites; Mobile Treatment Technologies for Superfund Wastes

° Manuals combine features of all of the above categories, particularly guidance and procedural documents. They enable users to carry out the program activities or requirements discussed without need for other supporting program documents.

EXAMPLE: Public Health Evaluation Manual; Compliance Manual

IV. GUIDELINES FOR WRITING SUPERFUND DOCUMENTS

A. Keeping the User In Mind

Users of guidance represent a cross-section of individuals having a wide variety of responsibilities. Guidance is used in Headquarters to define the program and to measure the program's effect when assessing results. It is used by Regional and State administrative offices to provide direction to office and field staff and to contractors and PRPs. Some of those in the latter categories may have little or no knowledge of the inner workings of EPA or the Superfund program. Thus, the guidance, combined with direction or verbal information obtained from Agency personnel, may constitute the basis of their experience with the Agency.

In addition, field personnel who are away from their offices for long periods of time, with limited telephone access and limited storage and transporting capabilities, require documents that are accessible as well as brief, transportable, and concise.

Insofar as possible, when creating a guidance document, writers should consider the audiences. The bottom line is that if the guidance is not (1) accessible, (2) readable (3) brief and to the point (4) clear and (5) transportable, it probably will not be read--and if it's not read, it will not be used.

B. Structuring a Guidance Document

Field and program personnel who work with a wide spectrum of problems need documents that are easily and quickly consulted to provide immediate information. They do not have time to search voluminous material to secure an answer to what appears to them to be a straightforward question. A consistent format saves many hours of research time for the user.

The following proposed structure allows the reader to become quickly oriented to the issues at hand, then proceed to in-depth material which can be absorbed as time allows.

° Issue Statement - The document should begin with a clear, concise statement of the issue to be discussed.

° Executive Summary - This section serves two purposes, and may also be serving several different audiences. First, it should enable the reader to quickly determine if the document is pertinent. It sketches the most important points, and indicates where in the document more in-depth information is contained. Secondly, it can convey a basic message to the policy manager who may never read the entire document. In many documents, it also acts as a briefing for upper level managers regarding the major policy issues embodied in the larger document.

° Introduction and Background - This section introduces the material to be presented, may provide historical reference, cites pertinent regulations, statutes or other existing documents and sources of related information. It can also provide lead-in for the prescriptive material which follows in the next segment.

° Prescriptive Material. This segment provides any prescriptive material applicable to the matter at hand, flagged or underlined. (Prescriptive material is defined as that which is mandated or required by law or regulation.)

° Expository Information. The narrative that constitutes the actual guidance is placed here, together with case studies, examples, and other appropriate illustrative material. This provides the next level of detail for the reader who has concluded that this document addresses the needs of the situation and now wishes in-depth information.

° Referencing Section. This segment includes cross-referencing to other documents, identified by their OSWER identification number, if available; or by their date and source where no OSWER number has been assigned. In addition, it should include the name of a contact with phone number for obtaining further information. Larger, more comprehensive documents might include glossaries and indexes.

C. Language and Streamlining Techniques

The choice of language affects the user's ability and/or willingness to implement the guidance. Because "guidance," by definition, is not prescriptive unless it cites specific regulatory or statutory requirements. the language style should be flexible rather than rigid. The most common illustration of flexibility is the use of "may," which is flexible, rather than "must" or "shall," which connote inflexibility.

When guidance contains prescriptive material, it should be referenced back to the appropriate regulatory or statutory citation. It is then advisable to separate or set off the prescriptive material by means of starring, flagging, underlining, or paragraphing so that it stands out.

Streamlining means coming immediately to the point or heart of the matter with a minimum of verbiage. It results from visualizing the finished product and producing a final document that mirrors this concept.

Below are a series of suggestions which can assist the writer in producing readable, usable guidance.

° Outline the document, and write from the outline. Outlines need not be formal; they can take the form of concise bullets that become the organizing points for the document, and can even be developed into topic sentences. Picture the user and the constraints under which that individual operates. Visualize the final document and its intended purpose for the program and for the user.

° Establish a style consistent with the purpose of the document. Remain with that style until the document is completed. While style can be individual, it is also true that each of the four document types has its own style, and that style has an effect on the reader.

For example, technical documents which inform the user of new technology or new information tend to be most effective when the style is concise and direct.

Procedural documents often set forth specific steps, tasks, or operational steps which the reader is to follow. These documents are sometimes the least flexible of the four types. The style should be simple and straightforward, with complete, direct sentences. Emphasis should be on an orderly, clear presentation.

Guidance documents frequently offer an array of options and case studies, to which the user may apply best professional judgment in adapting to the situation at hand, within the broad parameters of the guidance. The writing style can be somewhat more flexible and expository.

Manuals, in that they stand alone in implementing part of a program, frequently combine elements of the other documents. They may be the most lengthy of the four, and may include technical information with specific procedures and an array of options. Style

will therefore emerge as a composite of the others.

In selecting the appropriate style, it is useful to remember that nouns and action verbs written in the active voice supply greater power and emphasis than writing with adjectives and adverbs and in passive voice. Further, impersonal language increases the rigidity or inflexibility of the document. The language used in a regulation or directive is more impersonal than that used in a simple memorandum.

For example:

Rigid: "To comply with this provision, the owner/operator must determine whether a bulk hazardous waste is a liquid or contains free liquid. EPA regulations define "free liquids" as "liquids which readily separate from the solid portion of a waste under ambient temperature or pressure." (40 CFR 260.10)...EPA believes that the Paint Filter Liquids Test is the appropriate test to be used to determine the absence or presence of free liquids in bulk and containerized waste."

(Note the prescriptive material quoted and referenced)

Flexible: "This step is designed to facilitate responses to clear-cut, time-critical emergencies for which only limited data are available. In those cases, OSCs may have to rely primarily on findings of the preliminary assessment, without significant additional data collection....Where the OSC has determined that the incident is not time-critical, a more thorough analysis...will be possible before recommending a...response."

° Limit explanation. Select simple words and omit needless words. The reader has limited reading time. "Less is more" is often a useful concept in government writing.

For example:

Excessive Detail: "Implementing the notification program will require both staff time and the direct expenditure of funds. You will find guidelines on typical costs of various activities throughout this handbook. The available funding and staffing level will have an impact, for example, on how extensive the public education program can be and which methods of form distribution can be used. State budget allocations will also impact the types of activities possible. Some states will find that they have adequate staffing but little money to pay for printing and travel, while other States may experience the opposite."

Concise: The scope of the rulemaking will be limited to municipal landfills because, currently, reliable data on which to construct and defend sound Criteria exist only for municipal waste landfills. Moreover, by limiting the rule, the Agency can expect to promulgate the revisions within the Statutory deadline of March 31, 1988.

°Avoid unexplained acronyms, unexplained technical terms, and program-specific language not part of the general experience of the reader. The standard Agency practice of writing a phrase in full with the acronym in parentheses at the beginning of the article is helpful. Even so, assumptions that the reader has the same working knowledge of the subject as the writer can be unwarranted. Many readers find themselves intensely irritated at government writing which requires the constant translation of acronyms and jargon. In extensive documents requiring acronyms, inclusion of a glossary can be helpful.

For example:

(1) "You should begin exploring mechanisms to implement CA's with OFA Regional counterparts early in the FY about sites in Regions targeted for CERCLA action. This should be accomplished by review of the NPL, the SMP, and the SCAP. The SCAP commitments should be reflected, as appropriate, in the SEA's for your Region."

(2) "You should begin exploring mechanisms to implement cooperative arrangements with Office of Federal Activities (OFA) Regional counterparts early in the fiscal year. This should be accomplished by review of the National Priorities List (NPL), the Site Management Plan (SMP), and the Superfund Comprehensive Accomplishments Plan, (SCAP). The SCAP commitments should be reflected, as appropriate, in the State/EPA Agreements for your Region."

°Summarize when appropriate. Use of summaries depends upon the degree of complexity of the material being presented. When the material is lengthy and complex, it may be useful to summarize at the end of sections or chapters, or it may be useful to present a final summary at the end of the document. Another effective technique is the use of bullet points at the beginning of sections to highlight main points. In addition, careful construction of the Executive Summary assists both writer and reader in keeping to the point.

°When revising and rewriting, look for redundancy, strive for clarity, and reduce detail when possible. Then recheck the editing to be sure the meaning hasn't been lost. Short, complete sentences placed in logical order with logical paragraphing simplify the work of the reader. All paragraphs should have topic sentences at the beginning or the end. The final editing effort is the comparison of the finished product with the writer's initial concept and the mental picture of the user. How well do they match? Will the reader be able and willing to understand the writer's message? Only when the match is achieved, is it time for others to review the document.

D. Content.

Appropriate Level of Detail. There are two considerations with regard to detail. The first is that the level of detail should be appropriate

to the document. As a rule, procedural documents require the most detail and specificity, technical documents somewhat less, and guidance documents least of the three. Manuals will be a composite and should have a level of detail appropriate to the subject.

Secondly, consideration should be given to the amount of detail needed by the various users. While the material may be applicable to a variety of situations, some users may need less detail. Where more detail is required, it should be presented and organized so that it does not distract such users.

It is the writer's job to determine the appropriate level of detail in planning and outlining the document.

Technically Correct. The writer is responsible for presenting a final document that is technically correct and to conduct whatever reviews and checks are necessary to assure that the document is in fact correct.

Prescriptive Only When Required. Guidance should be assumed to be "guidance" unless otherwise stated. "Best professional judgment" should be assumed unless the document specifically flags prescriptive (mandatory) material. When these flags are present, statutory or regulatory references should be cited, as well as appropriate back-up policy or precedential material. Otherwise, flexibility should be assumed and language should be constructed accordingly.

Filing, Indexing, and Follow-Up Information have been discussed in Section B. However, each document should end with a section that provides assistance in obtaining additional data, and in filing and cross-referencing.

E. Classification.

Documents have been classified for general use in the Superfund Program. The four classification types previously discussed are designed to be broad and flexible, while giving users a clear idea of the kind of information presented in each. As the system evolves, it is anticipated that each kind of document will be identified by a characteristic cover which makes it easily identifiable.

In addition to the Superfund classification system, each document will, of course, be assigned an OSWER Directives Number and be included in that indexing system. Beyond that, institutional users (Regional or State offices, others) may wish to develop their own internal filing or reference system. The classification system, plus the Issue Statement and Executive Summary at the beginning of each document, will facilitate the design of such a system.

(F) Considerations in Publishing a Document

Once a document text has been prepared and approved for publication, a variety of publication requirements and procedures are triggered. Since these are important in assuring that all agency requirements are met, they

will be the subject of a subsequent procedural guidance. Coordination of publication procedures is the responsibility of the Office of Program Management, OERR.

FOLLOW-UP INFORMATION OR CONTACTS

(1) For general writing information - THE ELEMENTS OF STYLE, by William Strunk, Jr. and E.B. White, Third Edition, MacMillan Publishing Co., Inc., New York 1979.

(2) For information about OSWER Directives System - Contact Sherry Fielding, OSWER Directives Coordinator, Immediate Office, Assistant Administrator for Solid Waste and Emergency Planning - FTS 382-4483

(3) For information about the Guidance Review Project or OERR Guidance, contact Arthur B. Weissman, Policy Analysis Staff, Superfund Program, FTS 382-2182.